

MONDAY, APRIL 12, 1999

At 9:30 a.m., the court met in the Library & Courts Building to begin it's court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 DAVIS, Associate Justice
 RAYE, Associate Justice

Bailiff: Rios.
Calendar called.

Civil PACIFIC PREFERRED PROPERTIES, INC.
No. v.
C028404 KELVIN H. MOSS et al.

Cause called. Mark R. Kassenbrock, of Moore, Meegan, Hanschu & Kassenbrock argued for X-Defendants-Appellants. Howard J. Stagg IV argued for X-Complainants-Respondents. Cause submitted.

MONDAY, APRIL 12, 1999 CONTINUED

At 10:13 a.m., court recessed. At 10:14 a.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Davis and Associate Justice Morrison.

Civil	THE PEOPLE
No.	v.
C030266	THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
	SANDRA TACHEL VIELMA

Cause called. Kevin A. Hicks, Deputy District Attorney argued for Petitioner. Jeffrey L. Hirschfield, of Glahn & Hirschfield argued for Real party in interest. Cause submitted.

Court recessed at 10:29 a.m., until 9:30 a.m., Tuesday, April 13, 1999

Crim.	THE PEOPLE
No.	v.
C029531	FELICIANO RAMOS-BARBOSA
	BY THE COURT:

Respondent's request to publish the opinion filed on March 11, 1999, is denied.

Dated: APRIL 12, 1999

DAVIS, P.J.

MONDAY, APRIL 12, 1999 CONTINUED

Civil STATE BUILDING & CONSTRUCTION ETC. et al.
No. v.
C027155 LLOYD AUBRY JR. ETC. et al.

BY THE COURT:

The appellants have moved to dismiss this appeal. In accordance with their representations that they have acceded to the judgment of the lower court by repealing the prevailing-wage regulation challenged by the respondents, and by reinstating the previously existing regulations, the court grants their motion to the extent it requests that this court dismiss the appeal as moot.

This disposition is without prejudice to any application by the respondents in the trial court for attorney's fees on appeal pursuant to Code of Civil Procedure section 1021.5 (9 Witkin, Cal. Procedure (4th ed. 1997), Appeal, section 828(c).)

Dated: April 12, 1999

DAVIS, Acting P.J.

Juvenile PAULA (Not for Publication)
No. v.
C031890 THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
 SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY et al.

The petition is denied. The request for stay is denied as moot.

SIMS, Acting P.J.

We concur: CALLAHAN, J.
 KOLKEY, J.

TUESDAY, APRIL 13, 1999

Crim. THE PEOPLE
No. v.
C030184 DAVID ALLAN WOOD

BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: April 13, 1999

SIMS, Acting P.J.

TUESDAY, APRIL 13, 1999 CONTINUED

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of it's court calendar session.

PRESENT: SCOTLAND, Presiding Justice
 DAVIS, Associate Justice
 MORRISON, Associate Justice

Bailiff: Conrad.
Calendar called.

Crim. THE PEOPLE
No. v.
C025730 THOMAS GERALD MORGAN

Cause called. William I. Parks, court appointed counsel argued for Defendant-Appellant. Alison Elle Aleman, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:00 a.m., court recessed. At 10:03 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Morrison, and Associate Justice Callahan.

Crim. THE PEOPLE
No. v.
C029786 JAMES S. JOHNSON

Cause called. Alan D. Negron argued for Defendant-Appellant. Jean M. Marinovich, Deputy Attorney argued for Plaintiff-Respondent. Cause submitted.

At 10:07 a.m., court recessed. At 10:10 a.m., court reconvened with the same panel except Associate Justice Nicholson in place of Associate Justice Morrison.

Civil JAMES E. WILLIAMS
No. v.
C029344 DEPARTMENT OF SOCIAL SERVICES

Cause called. James E. Williams, argued for Himself in Pro Per as Plaintiff and Appellant. John M. Applebaum, Deputy Attorney General argued for Defendant-Respondent. Cause submitted.

TUESDAY, APRIL 13, 1999 CONTINUED

Civil NANCY BURGE
No. v.
C027510 DENNIS TAYLOR

Cause called. Maria Lathrop Winter, of Leonard & Lyde argued for Defendant-Appellant-X-Respondent. Martin S. McHugh argued for Plaintiff-Respondent-X-Appellant. Cause submitted.

At 10:46 a.m., court recessed. At 10:49 a.m., court reconvened with the same panel except Associate Justice Hull in place of Associate Justice CALLAHAN.

Civil Estate of GERALDINE Y. RIPPENGALE, deceased.
No. DOUGLAS KAPLAN, as Public Guardian, etc. et al.
C027922 v.
JEFFREY RIPPENGALE

Cause called. Jeffrey Rippengale argued for Himself in Pro Per as Objector-Respondent. Adriana J. Quintero, Deputy County Counsel argued For Petitioner-Respondent Kaplan. Stanley H Wells appeared for Petitioner-Respondent Westamerica but did not argued. Cause submitted.

At 11:29 a.m., court recessed. At 2:00 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Davis.

Civil CONNECTICUT INDEMNITY COMPANY et al.
No. v.
C027794 THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
CITY OF LODI

Cause called. W. Eric Blumhardt, of Archer, McComas, Breslin, McMahon & Chritton argued for Petitioner Connecticut Indemnity Company. Kathleen Hurly, of Sinnott, Dito, Moura & Puebla argued for Petitioner LMI Insurance Company. George J. Keller, of Rivkin, Radler & Kremer appeared for Petitioner Fireman's Fund Insurance Company. Michael C. Donovan, of Zevnik, Horton Guibord & McGovern argued for Real party in interest. John R. Till, of Zevnik, Horton Guibord & McGovern appeared for Real party in interest. Adam Babich, of Zevnik, Horton Guibord & McGovern appeared for Real party in interest. Randall A. Hays City Attorney appeared for Real party in interest. Cause submitted. (Consolidated with C027795)

TUESDAY, APRIL 13, 199 CONTINUED

Civil MARYLAND CASUALTY COMPANY et al.
No. v.
C027795 THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
CITY OF LODI

Cause called. Daniel E. Troy, of Wiley, Rein & Fielding argued for Petitioners Maryland Casualty Company et al. Kathleen Hurly, of Sinnott, Dito, Moura & Puebla argued for Petitioner LMI Insurance Company. George J. Keller, of Rivkin, Radler & Kremer appeared for Petitioner Fireman's Fund Insurance Company. Michael C. Donovan, of Zevnik, Horton Guibord & McGovern argued for Real party in interest. John R. Till, of Zevnik, Horton Guibord & McGovern appeared for Real party in interest. Adam Babich, of Zevnik, Horton Guibord & McGovern appeared for Real party in interest. Randall A. Hays City Attorney appeared for Real party in interest. Cause submitted. (Consolidated with C027795)

Court recessed at 3:15 a.m., until 9:30 a.m., Wednesday, April 14, 1999.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027801 LOUIE MENDEZ HAMMONDS

The judgment of dismissal is reversed and the case is remanded to the superior court.

MORRIOSN, J.

We concur: NICHOLSON, Acting P.J.
HULL, J.

Juvenile In re TRAVIS J., Minor Coming Under the Juvenile Court Law.
No. SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY
C031264 v.
BRANDE J.

The orders of the juvenile court are affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.
MORRISON, J.

TUESDAY, APRIL 13, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028829 MARION RAMOS

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029404 RONALD GLASER

The judgment of dismissal is reversed and the case is remanded to the superior court.

RAYE, J.

We concur: BLEASE, Acting P.J.
 HULL, J.

TUESDAY, APRIL 14, 1999

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of it's court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 RAYE, Associate Justice
 HULL, Associate Justice

Bailiff: Conrad.
 Calendar called.

Crim. THE PEOPLE
 No. v.
 C029833 LAWRENCE ANTHONY STONE

Cause called. Linda Zachritz, court appointed counsel argued for Defendant-Appellant. Garrick W. Chock, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

WEDNESDAY, APRIL 14, 1999 CONTINUED

At 9:30 a.m., court recessed. At 9:42 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Raye.

Civil WILLIAM F. BACK
No. v.
C025630 DEPARTMENT OF FOOD AND AGRICULTURE

Cause called. Timothy P. Hayes, of McDonough, Holland & Allen argued for Plaintiff-Appellant. M. Anne Jennings, Deputy Attorney General argued for Defendant-Respondent. Mary E. Hackenbracht, Deputy Attorney General appeared for Defendant-Respondent but did not argue. Cause submitted.

At 10:04 a.m., court recessed. At 10:06 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Morrison and Associate Justice Hull.

Civil ROBIN WILSON
No. v.
C027518 WAL-MART STORES INC.

Cause called. Camille Calvert, of Phillips & Spallas argued for Defendant-Appellant. Tony J. Tanke, of Tanke & Willemsen argued for Plaintiff-Respondent. Cause submitted.

Civil ROBIN WILSON et al
No. v.
C027765 WAL-MART STORES INC.

Cause called. Camille Calvert, of Phillips & Spallas argued for Defendant-Respondent. Tony J. Tanke, of Tanke & Willemsen argued for Plaintiffs-Appellants. Cause submitted.

At 10:30 a.m., court recessed, until 9:30 a.m., Thursday, April 15, 1999.

WEDNESDAY, APRIL 14, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. v.
C029555 JOHN HOWARD SOULE

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027115 JENNIFER GRETCHEN WOOTTEN

The judgment is affirmed.

RAYE, Acting P.J.

We concur: CALLAHAN, J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030523 SCOTT ALLEN POLESCHOOK

The judgment is modified to strike the parole fine(Pen. Code§ 1202.45). The trial court is directed to prepare an amended abstract of judgment accordingly and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.

SIMS, Acting P.J.

We concur: RAYE, J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027924 ANGELINE MARIE JONES

All restitution fines ordered by the trial courts in Yuba County (\$600 total) and Butte County (\$1,000 total) following revocation of defendant's probation are stricken. The judgments are hereby amended to reflect reinstatement of the restitution fines that were imposed as condition of probation and stayed pending completion of probation--\$1,000 in Yuba County, and \$1,200 in Butte County. The trial court shall prepare an amended abstract of judgment showing these changes and shall send a certified copy to the Department of corrections.

SIMS, Acting P.J.

We concur: DAVIS, J.
RAYE, J.

WEDNESDAY, APRIL 14, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. v.

C024539 JOSEPH IRVING MIDDLESWORTH

The judgment is affirmed.

PUGLIA, J.

I concur: CALLAHAN, J.

I dissent for the portion of the majority opinion.

...

For these reasons, I would reverse the decision of the trial court on counts 1, 3, and 5.

I agree with the majority opinion with respect to the remaining convictions.

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C029059 MICHAEL PRYOR ROSS

The parole fine of \$200 imposed pursuant to section 1202.45 is stricken. The trial court is ordered to prepare an amended abstract of judgment deleting said fine and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

SIMS, Acting P.J.

We concur: RAYE, J.

CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C030239 HOWARD MAURICE HUDSON

The judgment is affirmed.

KOLKEY, J.

We concur: NICHOLSON, Acting P.J.

HULL, J.

WEDNESDAY, APRIL 14, 1999 CONTINUED

Civil JAMES E. MAYLE (Not for Publication)
 No. v.
 C029272 GRANT JOINT UNION HIGH SCHOOL DISTRICT et al.

The judgment is reversed. The matter is remanded with directions to vacate the cost bill issued following the judgment and otherwise to proceed in accordance with the views expressed in this opinion. The stay issued by this court on January 25, 1999, is vacated upon this decision becoming final. The parties shall bear their own costs on appeal.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Juvenile In re TOSHA R., a Person Coming Under the juvenile Court Law.
 No. BUTTE COUNTY CHILDREN'S SERVICES DIVISION
 C031152 v. (Not for Publication)
 LYNNETTE R.

The order of the juvenile court terminating appellant's parental rights is affirmed.

KOLKEY, J.

We concur: SCOTLAND, P. J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029352 CUONG CA LAM et al.

The judgments (orders of probation) are affirmed.

NICHOLSON, Acting P.J.

We concur: HULL, J.
 KOLKEY, J.

THURSDAY, APRIL 15, 1999

At 9:30 a.m., the court met in the Library & Court Building for a continuation of it's court calendar session.

PRESENT: SIMS, Acting Presiding Justice
 RAYE, Associate Justice
 MORRISON, Associate Justice

THURSDAY, APRIL 15, 1999 CONTINUED

Civil INSURANCE COMMISSIONER ETC.
No. v.
C020203 GENERAL SECURITY CORPORATION et al.
 CALIFORNIA FARM BUREAU FEDERATION

Cause called. Michael T. Pines argued for Real party in interest-Appellant General Security. Matthew K. Ross, of Rutan & Tucker argued for Real party in interest-Appellant Kaiser. William L. Carter, Deputy Attorney General argued for Plaintiff-Respondent. Nancy N. McDonough appeared for Intervenor-Respondent but did not argue. Cause submitted.

Court recessed at 10:38 a.m., until 9:30 a.m., Monday, April 19, 1999

Crim. THE PEOPLE (Not for Publication)
No. v.
C029155 ENRIQUE LUNA VELENZUELA

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 DAVIS, J.

Crim THE PEOPLE
No. v.
C026302 RICHARD LEONARD RENTZ
 BY THE COURT:

Appellant's motion to recall the remittitur is granted. The remittitur issued on March 9, 1999, is ordered recalled, and the trial court clerk is directed to return the original remittitur to this court. The opinion of this court filed on January 5, 1999, is vacated, and the appeal is reinstated.

Upon receipt of the original remittitur from the trial court, the cause will be resubmitted, and the clerk of this court is directed to refile the opinion in the above matter.

Dated. April 15, 1999

SCOTLAND, P.J.

THURSDAY, , APRIL 15, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. v.

C028953 JOSEPH CHARLES THOMAS

The judgment is affirmed.

SCOTLAND, P.J.

We concur: SIMS, J.
NICHOLSON, J.

Juvenile In re DARION S., a Person Coming Under the Juvenile Court Law.

No. MODOC COUNTY DEPARTMENT OF SOCIAL SERVICES

C030672 v.

TAWNYA D.

The appeal is dismissed as the issues presented are not yet ripe.

SIMS, Acting P.J.

We concur: RAYE, J.
CALLAHAN, J.